

**CWP-7404-2000****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(211)****CWP-7404-2000****Date of Decision : August 07, 2024****Amar Singh Rana and others****.. Petitioners****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Ms. Alka Chatrath, Advocate, for the petitioners.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Learned counsel for the petitioners submits that the petitioners were getting a particular amount qua the House Rent Allowance which was being paid by the Managing Committee of the school concerned and the said amount was sought to be reduced, which action was challenged in the present writ petition.

2. Learned counsel for the petitioners further submits that a Division Bench of this Court, while issuing notice of motion on 02.06.2000, directed respondent No.4 to to 15 i.e. the Management not to deduct the amount of house rent allowance already paid to the petitioners from their salaries meaning thereby that the recovery was stayed and as all the petitioners have already retired from service, the respondents be directed not to recover the excess amount paid.

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3. No one has appeared on behalf of the Managing Committee despite notice by the Registry.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. As per the judgment of the Hon'ble Supreme Court of India in ***State of Punjab and others Vs. Rafiq Masih (White Washer) etc., 2015(1) S.C.T., 195***, no recovery can be done from the retired employee. Though, in the present case, recovery was sought to be done during the period when the petitioners were in service but keeping in view the interim order granted, the said recovery of the excess amount was stayed by the Division Bench and now 24 years have passed and all the petitioners must have retired and will be in late 70s and therefore, asking them to return the amount already received as HRA will cause financial hardship to them hence, keeping in view the facts and circumstances of this case, by keeping the question of law open, a direction is issued to the Managing Committee that no recovery of the House Rent Allowance already paid to the petitioners be made.

6. The present writ petition is disposed of in above terms.

August 07, 2024

harsha

(HARSIMRAN SINGH SETHI)**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No